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SOME OF CHINA'S WAR PROBLEMS

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China wages no war, but warring nations have dared to wage a war on China's soil. Instead of a just, magnanimous policy, the policy is one of threat, of bull-doing, of polite pressure. What is actually being done out here in the Far East needs to be understood by Americans, or "the open door" will be closed to America, and perhaps to every country except Japan. By ignoring facts at the outset, Japan has had the courage to make greater and more serious advances. No one knows the end.

The forcible landing of Japanese troops at the port of Lungkou on the northern side of the Shantung promontory, with the clear intention of crossing the promontory to attack Tsingtao on the south side of the promontory, compelled her to devise for China some reason for allowing this violation of Chinese neutrality. No reason could be found in the pages of International Law, but one was called to mind from a precedent established in the Russo-Japanese war. For a wrong done to China in 1914 an excuse was found in 1904. A clear principle in International Law is to be laid aside for something International Law knows nothing of. It is well to examine the events of that year to see how far there is a precedent and how far there is none. The study is one of war zones.

From the time of the Boxer uprising in 1900 Russian troops occupied Manchuria, including the treaty-port of Newchuang on the Liao river. When war began between Russia and Japan, Russia and not China was practical master of Manchuria and was threatening an advance into Corea. Japan began the war by attacking Port Arthur from the land side which was included in the territory leased to Russia in 1898. Later Japanese troops marched

north from Korea to meet the Russian troops south of Mukden. China early issued an edict declaring, as is customary, her neutrality.

As soon as war began, the American Secretary of State, Mr. John Hay, being solicitous for the integrity of China, communicated on February 12, 1904, with all the Powers for helping to preserve the neutrality of China, and for limiting the war to Manchuria. Dr. Takamine, a Japanese writer, states it thus: "Japan had advised China to remain neutral during hostilities, and this was followed by the suggestion from the United States that the sphere of war-like operations should be limited to the extent of Russian occupation."

This suggestion of the United States was accepted by all the Powers. Germany accepted it on the condition that Russia also accepted, a condition which of course Russia was glad to meet. Japan also accepted. And finally China agreed. Later Japan was anxious to extend the war zone to west of the Liao river, but she insisted on having the concurrence of Russia.

The Japanese Minister to Peking, Mr. Uchida, at the opening of the Russo-Japanese war gave the following most excellent advice to the Chinese Government:

It must be added that neutrality itself imposes upon the state assuming that attitude a positive obligation to see whether her neutrality is respected by the belligerents and therefore China should take effective measures to repel any possible attempt on the part of the belligerents at the violation of neutrality, China should prevent her territory except Manchuria from being made the place of actual operations or as harbors of refuge, repair or daily supply for belligerent ships.

The Japanese first proceeded to attack and overpower Port Arthur with the neighboring port of Talienwan or Dalny, and then she finished her task by driving back the hundreds of thousands of Russian soldiers on the battleground of southern Manchuria. The mediation of President Roosevelt made possible a peace conference between plenipotentiaries of the two belligerent Powers, and the war came to an end.

Now we have to note the application of that war and its war zone in Manchuria to the situation arising in Shantung, where Japan, aided by Great Britain, and in a minor way by France and Russia, proceeding to attack Germany, not in Europe, but in the beautiful port and summer-resort of Tsingtao—gallant Japan against Germany in miniature.

1. Many questions as to the rights and duties of neutral nations in time of war are matters of dispute and some are not yet settled by any formal international agreement.

2. One question is undisputed, and that, in the language of one of the Hague conventions of 1907, is: "Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power." This law supersedes a former custom of allowing right of passage to both belligerents on the same terms.

3. Another undisputed law in concise form reads: "Belligerent warships are not permitted to remain in the ports, roadsteads, or territorial waters of said Power for more than twenty-four hours." This law, as well as the previous one, was deemed vital to China by Japan in the war of 1904, as well as by all the great Powers. Both laws ought to have been observed at Lungkou in Shantung and the hinterland. In reality if Japan needed to comply with Great Britain's appeal for help, she should have contented herself with warring on the seas, and, next, in territory leased to Germany in 1898, but nowhere else to the great inconvenience and peril of China.

4. Japan's part of the Russo-Japanese war which consisted of attack on Port Arthur and Talienwan did not violate the neutrality of China. The territory leased to Russia was the area of war on land; Japan needed no special war zone. Similarly the territory of Kiaochow leased to Germany should have been the limit of war on land in the present war, which has been thus needlessly thrust upon China.

5. When Manchurian territory east of the Liao was made a war zone in 1904, it was because Manchuria was already occupied by Russian troops, and because Russia, the country attacked, gave full consent. In the present case, German

troops had never occupied Shantung from the port of Lungkou to the territory she held by lease, neither did she know of the proposal for a war zone, till China announced it. While in the earlier days in German actions there was too much of the "mailed fist" idea, and a determination to claim the whole province of Shantung for Germany, since 1900, the year of the Boxer uprising, she has maintained a policy of generosity and affability, to the greater increase of trade and prestige. Different from Manchuria, Shantung has never come under foreign occupation or control.

6. When a war zone was made in 1904, it came at the suggestion of a neutral Power by official communication to all the great Powers, viz., from the United States. In the present case it is understood that the suggestion was made privately by some one on the belligerent side opposed to Germany, a Japanese adviser who did not make China's interests the chief thing.

7. In the former case a war zone was of equal benefit to both Russia and Japan. In the present case it has been manifestly to Japan's advantages and to Germany's disadvantage. For the Japanese to say that the Germans, too, could come out into the war zone, was fine humor, but poor reason. With only a small force, how could she go outside Tsingtao to fight her battles?

8. In the former case the war zone was fixed after the territory was occupied by Russian troops and before Japan began the war. In the present case the Japanese first forcibly occupied Lungkou with the intent to force a passage across country, before the precedent was so much as mooted. As for the Germans, the ones attacked, they limited themselves to their own leased territory, and had no great force to occupy the Shantung promontory.

9. In the former case neither Russia nor Japan entered a protest. In the present case Japan complimented China on her ready compliance, but Germany entered protest after protest, while China found difficulty in defending her action for complying with Japan.

10. It was plain to all that China in 1904 did the only

thing possible in allowing Russian and Japanese troops to fight their battles on Manchurian territory, for her sovereignty in that part of the country had, temporarily at least, been taken from her. Manchuria as war zone was clearly unavoidable. Complete neutrality was an impossibility. In the present case the observance of a clear fundamental principle in International Law should have had precedence over a temporary expedient made use of in 1904. A war zone has been no more a necessity than has been the war itself as introduced into China. China, as well as Japan and Germany, and even all the Powers, would have done well to have defended China's neutrality, with no such limitation as a special war zone. China in a determined observance of her own neutrality, and in herself protesting and continuing to protest against the infringement contemplated by Japan, would clearly have been free from blame. If Japan had continued to act contrary to China's continued protestation, Japan and not China would have been to blame. By giving up her neutrality to the extent of consenting to a war zone, China took upon herself the blame which should have rested on Japan, the aggressor, alone. As a war zone, a necessity in 1904, brought no injury to China, so complete neutrality in the present war, being a recognized law, duty and necessity, would have brought to China no injury but great benefit.

By this violation of a fundamental principle, Japan gained a foothold on the Shantung promontory. When she vanquished the 5000 Germans at Tsingtao, she gained a foothold in the province of Shantung. She then occupied the railway to Tsi-nan fu, and then overran the whole province, like southern Manchuria. This policy of force has been countenanced by Great Britain, but has been an injustice to Germany and much more to China. Japan, unchecked at the outset, has gone on with ever-increasing aggression. China is the one made to suffer.